

R277-621 received final approval by the Utah State Board of Education on November 2, 2017. R277-621 is published in the December 1, 2017 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of January 9, 2018.

R277. Education, Administration.

R277-621. District of Residence.

R277-621-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53A-2-201, which directs the Board to establish rules for determination of a student's district of residency in accordance with the statute.

(2) The purpose of this rule is to establish the procedure for reviewing a student's request for an alternative district of residency in accordance with Subsections 53A-2-201(2)(b)(iii) and 53A-2-201(2)(b)(iv).

R277-621-2. Definitions.

(1) "Alternative district" or "alternative district of residency" means a district, which may provide educational services, where a student resides:

(a) with a responsible adult, other than a custodial parent or legal guardian; or

(b) in a health care facility or human services program facility.

(2) "Health care facility" means the same as that term is defined in Section 26-21-2.

(3) "Human services program" means the same as that term is defined in Section 62A-2-101.

(4) "Review official" means a district employee designated by the district's superintendent to make an initial determination on a request for an alternative district of residence in accordance with this rule.

R277-621-3. Determination of Alternative District of Residency.

(1) A student's custodial parent or legal guardian may request a determination that the student's district of residency is a district other than where the student's custodial parent or legal guardian resides by filing a written request with an alternative district.

(a) The Superintendent shall provide a model form for use by a district to accept requests under this rule.

(b) A student request shall outline why the student should receive resident services from an alternative district in accordance with the criteria provided in:

(i) Subsection 53A-2-201(2)(b)(iii); or

(ii) Subsection 53A-2-201(2)(b)(iv).

(2) If an alternative district receives a request under Subsection (1), a district review official shall review the request and make a recommendation to the alternative district's local school board or designee on whether the student should be treated as a resident of the alternative district within ten business days.

(3) The student's custodial parent or legal guardian's district of residence is responsible for the student's education services pending a decision by the local school board or designee of an alternative district in accordance with this R277-621-3.

R277-621 received final approval by the Utah State Board of Education on November 2, 2017. R277-621 is published in the December 1, 2017 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of January 9, 2018.

(4) If the local school board or designee of an alternative district approves a request under Subsection (1), the alternative district shall assume responsibility for providing educational services for the student and enroll the student immediately.

(5) The decision of the alternative district's local school board or designee shall be in writing and set forth the reasons for approving or denying the request in accordance with the statutory criteria.

(6)(a) If the alternative district denies a student request, the student may appeal the decision within ten business days to the Superintendent.

(b) The Superintendent shall rule on a request under Subsection (6)(a) within ten business days.

(7) If a request for an alternative district of residence is approved for a student qualifying for services under the IDEA, the alternative district shall conduct an IEP meeting with representation from the alternative district and the former district of residence under Subsection 53A-2-201(2)(a).

R277-621-4. Students at Human Services Program Facilities.

(1) A student approved for an alternative district of residency while attending a private human services program facility shall be entitled to the educational services of the alternative district at the alternative district's educational facilities designated by the alternative district.

(2) An alternative district of residency is not required to provide educational services on site at a private human services program facility, unless the IEP team of the alternative district determines that on site services are required to meet the needs of a student under federal law.

(3) The alternative district is not responsible for a student's required transportation between a health care facility or human services program facility and the school district's facility.

(4) The alternative district's local school board or designee may periodically reevaluate the non-resident student's eligibility for education services by the alternative district as described in Subsections 53A-2-201(2)(b)(iii) or (iv).

KEY: student, alternative district of residency

Date of Enactment or Last Substantive Amendment: 2018

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-2-201